

OGC HAS REVIEWED

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Reference C

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26 January 1953

Reimbursement for Extraordinary Expenses

1. As you requested, I have given this memorandum a good deal of thought, and while I am sincerely sympathetic with the problem involved and would like to make some sort of reimbursement, I do not see how it may properly be done. I recognize that it is in this area that our failure to provide for unlooked for expenses such as this may well have an adverse effect upon morale. This is particularly true where the GS grade is not a high one, as here.

2. It seems to me that any delay in transportation of household effects is a risk one takes in the Government service similar to the risks involved, for example, in connection with expenses that might arise from the cancellation or acceleration of travel after a firm commitment has been made by the Agency. To hold otherwise would virtually make us an insurer of dependable service on the part of the shippers and warehousemen at either end of the line. Even if we were inclined to, in effect, be such an insurer for any transportation which might be directly under our control, we obviously could not even attempt to provide for loss due to delay where the shipper is another Government agency removed from our control.

3. There does not appear to be any allowance that we could grant which would partially at least make these people whole for the loss involved. Temporary lodging allowance is out since that applies only to first arrival at a foreign station. Any amendment of the orders to allow per diem would not be permissible since to do so would involve changing the travel to TDY and, of course, his family could not travel under such orders.

4. A further practical factor, even if we felt that somehow we could allow this claim, would be the difficulty in ascertaining a measure of damages. In [redacted] case, the purchase of extra winter clothing would not necessarily mean that he was subjected to an expense from which nothing would be realized since it is assumed that the clothing will eventually be worn. It might be less difficult to fix a sum for [redacted] who had to purchase household utilities for use until his own arrived. The loss here would be the cost of the utilities less any revenue he could derive from their sale on the arrival of his belongings. A clear-cut case in which damages could be measured would be one in which, due to failure

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STATINTL

of arrival of household effects, the individual was forced to obtain a furnished rather than an unfurnished dwelling place. The damages there would be the difference between the two rental rates.

5. However, if I am correct in assuming that we may not properly make any reimbursement, the question of damages would obviously not arise.

/s/

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2 - OGC